

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

NORTH BEND ASSOCIATES, LLC, a
Washington Corporation,

Plaintiff,

v.

CITY OF NORTH BEND,

Defendant,

and

RIVER RUN VENTURES, LLC, a Delaware
limited liability company,

Interested Party.

NO. 2:22-cv-00509

JOINT STIPULATION AND ORDER TO
CONTINUE CERTAIN DEADLINES IN
LIGHT OF PRELIMINARY
SETTLEMENT

I. INTRODUCTION

The parties agree there is good cause to continue the discovery cutoff and dispositive motion deadline in light of a signed preliminary settlement agreement in this matter. The parties have worked in good faith to reach a signed CR 2A Agreement, filed as exhibit A to this joint stipulation. This preliminary settlement agreement is contingent upon action by the City Council of the City of North Bend, which cannot occur until its March 21, 2023 meeting. To preserve party and court resources, the parties jointly request the Court continue the March 21, 2023 discovery cutoff until April 21, 2023 and

JOINT STIPULATION AND ORDER TO CONTINUE CERTAIN
DEADLINES IN LIGHT OF PRELIMINARY SETTLEMENT - 1

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1 the March 28, 2023 dispositive motion cutoff to April 28, 2023. In the unlikely event the City Council
2 does not take action at its March 21, 2023 meeting, the case would continue to trial, and this joint
3 stipulation would not impact the remaining dates on the case schedule including the trial date in this
4 matter.

5 **II. STATEMENT OF FACTS**

6 The existing discovery cutoff in this case is March 21, 2023. Dkt. 23. The deadline for filing a
7 dispositive motion is March 28, 2023. Dkt. 13. Trial is set for June 26, 2023. Dkt. 13. The parties
8 have reached a preliminary settlement agreement, filed with this stipulation, which would result in
9 dismissal of this case with prejudice. *See* Exhibit A. The settlement agreement is contingent on the
10 City Council for the City of North Bend passing an ordinance at its March 21, 2023 meeting. *Id.* at 2.

11 **III. ARGUMENT**

12 The court's case schedule may be modified "for good cause and with the judge's consent." LCR
13 16(b)(6). The parties have reached a preliminary settlement agreement which is contingent on action
14 by the City Council at its March 21, 2023 meeting. Given this signed settlement agreement, good cause
15 exists to continue the discovery deadline and dispositive motion deadline to avoid expending party
16 resources on discovery and court resources on the parties' dispositive motion filings. However, the
17 parties request the Court not dismiss this matter at this time, as the preliminary settlement is contingent
18 on action by the City Council.

19 **IV. CONCLUSION**

20 The parties jointly request the Court continue the discovery cutoff until April 21, 2023 and the
21 dispositive motion cutoff to April 28, 2023.
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1 DATED this 14th day of March, 2023.

FOSTER GARVEY PC

2
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Associates, LLC

10
11 DATED this 14th day of March, 2023.

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19 *I certify that this memorandum contains 373 words, in compliance with the Local Civil Rules.*

ORDER

IT IS SO ORDERED.

Dated this 15th day of March, 2023.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE